

.As Engrossed: 2/27/95 3/20/95 4/10/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Mahony**

A Bill

ACT 1253 OF 1995
SENATE BILL 492

For An Act To Be Entitled

8 "AN ACT TO REQUIRE FISCAL IMPACT STATEMENTS ON REGULATIONS
9 OR BILLS THAT IMPOSE NEW OR ADDITIONAL COST OBLIGATIONS
10 FOR EDUCATION ON THE STATE OR LOCAL SCHOOL DISTRICTS; AND
11 FOR OTHER PURPOSES."

Subtitle

14 "TO REQUIRE FISCAL IMPACT STATEMENTS ON
15 REGULATIONS OR BILLS THAT IMPOSE NEW OR
16 ADDITIONAL COST OBLIGATIONS FOR
17 EDUCATION."

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. As used in this act, unless the context otherwise requires,
22 "fiscal impact statement" means a realistic statement of the purpose of a
23 proposed law, or regulation promulgated under a law, and the estimated
24 financial cost to the State or any local school district of implementing or
25 complying with the proposed law or regulation. The fiscal impact statement
26 shall be developed with the guidance of the Office of Tax Research of the
27 Bureau of Legislative Research and with the approval of the State Department
28 of Education.

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30 SECTION 2. *Thirty-five (35) days prior to the adoption of any*
31 *regulation or other proposal that will impose a new or increased cost*
32 *obligation for education on the State or any local school district, the board,*
33 *commission, agency, department, officer, or other authority (excepting the*
34 *General Assembly and the courts) shall give notice of such regulation or*
35 *proposal and shall file a fiscal impact statement with the Secretary of State*
36 *and the Joint Interim Committee on Education of the Arkansas General Assembly.*

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SECTION 3. (a) Any bill filed in the House or Senate that will impose a new or increased cost obligation for education on the State or any local school district shall have a fiscal impact statement attached to it, prepared by the author of the bill and filed with the chairman of the committee to which the bill is referred:

(1) At least seven (7) days before the bill may be called up for final action in the committee during a Regular Session; and

(2) At least one (1) day before the bill may be called up for final action in the committee during a Special Session.

(b) If the author of any House or Senate bill affected by this section shall fail to comply with subsection (a), any member of the House or Senate committee to which the bill is referred may object and thereby prevent it being called up for final action in the committee until a fiscal impact statement is made available. An affirmative vote of two-thirds (2/3) of a quorum present and voting shall override such objection.

(c) If any such House or Senate bill is called up for final passage in the House or Senate and a fiscal impact statement has not been provided by the author of the bill, or by the committee to which the bill was referred, any member of the House or Senate may object to the bill being called up for final passage until a fiscal impact statement is prepared and made available on the desk of each member of the House or Senate at least one (1) day prior to the bill being called up for final passage. An affirmative vote of two-thirds (2/3) of a quorum present and voting shall override such objection. If an objection is made, without override, the presiding officer of the House or Senate shall cause the bill to be referred to the Office of Tax Research of the Bureau of Legislative Research for the preparation of a fiscal impact statement, which shall be filed with the presiding officer not later than five (5) days from the date of the request.

(d) Failure of the author of a bill to provide the fiscal impact statement required in this section shall not prohibit consideration of the bill in the committee to which it is referred or on the floor of the house in which the bill is called up for final passage, if no objection to it is made at the time such action is taken.

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SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Mahony

APPROVED: 4-13-95

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